

HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI
AND
HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY
Writ Petition No.10184 of 2007

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Between:

M. Venkata Swamy

... Petitioner

And

The Government of Andhra Pradesh,
Rep. by its Chief Secretary, Revenue
Department, Secretariat, Hyderabad
and three others.

... Respondents

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:: ORDER ::

Counsel for the petitioner : Shri P. Prabhakar Reddy

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Dated: 5th June, 2007

Per G.S. Singhvi, CJ

In this petition filed in the name of public interest litigation, Sri M.
Venkata Swamy, who has described himself as the President of Urban

Slum Dwellers Association, has prayed for issue of a mandamus to the respondents to issue house site pattas to the beneficiaries in respect of land comprised in Survey Nos.761 to 770 and 971 to 974 measuring Ac.6.00 situated in Mallalguda Village, Shamirpet Mandal, Ranga Reddy District.

In the affidavit filed by him, the petitioner has averred that the land in question was earmarked by the government for residential purposes and 1700 plots were carved out for allotment to those who had undergone family planning operation, but the house site pattas have not been issued to the eligible persons despite repeated requests. In paragraph 4 of his affidavit, the petitioner has averred as under:

“4. The beneficiaries have submitted applications before the fourth respondent for allotment of house sites as they have no house on their own and they are unable to purchase a plot for the purpose of house and all of them have undergone family planning operation. A scheme was floated by the Government to assign house site pattas to the weaker sections who have undergone family planning operation. The Government has also earmarked land for the allotment of house sites to the beneficiaries who have undergone family planning operation. The fourth respondent has also prepared the list of beneficiaries with reference to the application submitted by them after enquiry and after due enquiry a list of beneficiaries was prepared for allotment of house sites and the said list was approved by the third respondent and thereafter second respondent. As the proposals for change of land use to residential use zone are before the Government and in view of the urgency, on instructions of respondents 2 to 4, the beneficiaries whose names were figured in the list of beneficiaries have taken possession of the plots and made construction and they have been living in the house since more than 10 years. Subsequently, all the amenities such as laying roads, electricity connection etc. were provided in the said area. Officially, the beneficiaries were not given patta

certificates though the beneficiaries list is prepared and the beneficiaries were asked to put up constructions in the plots earmarked for them. When respondents 2 to 4 were interfering with the possession of the plots of the beneficiaries, W.P.No.11965 of 1997 was filed on behalf of some of the beneficiaries and the said writ petition was disposed of with a direction to maintain status quo and also directed that the applications of the beneficiaries shall be disposed of by the second respondent directing to consider those applications after conducting necessary enquiry to find out the eligibility of the applicants for house sites under the guidelines and if they are found to be eligible for assignment, they may be given house site pattas and the said exercise may be completed within three months. After disposal of the said writ petition, no exercise was taken place in respect of any beneficiaries and the respondents kept the matter pending. Recently, the fourth respondent is coming to the houses of the petitioners and interfering with the possession of the houses directing them to vacate the houses. The fourth respondent has also come to their houses and causing damage with the assistance of police and their men. The fourth respondent is creating apprehension and insecurity in the minds of the beneficiaries. The respondents are not issuing house site pattas to the beneficiaries though the said list is pending more than a decade. Without issuing patta certificates basing on the beneficiaries list as approved by the respondents, interfering with the possession of the plots and houses of the beneficiaries is nothing but highly arbitrary, bad and illegal and their possession over the said plot and houses are not protected without the order of this Hon'ble Court as the respondents are representing the mighty Government."

Sri P. Prabhakar Reddy, learned counsel for the petitioner relied on letter No.2757/MP2/HUDA/99, date 29-6-1999 sent by the Vice-Chairman, Hyderabad Urban Development Authority to Collector, Ranga Reddy District with the request to execute road network and sewerage system for EWS layout in Survey Nos.761 to 770 and 971 to

974 of Mallalguda Village, Jawaharnagar, Shamirpet Mandal, letter No.B2/3542/1999, dated 23-12-1999 sent by Revenue Divisional Officer, Ranga Reddy East Division to Collector, Ranga Reddy District for grant of permission to issue house site pattas to 772 persons, who had undergone family planning operation, letter No.E5/7478/97, dated 11-1-2000 sent by Collector, Ranga Reddy District to Mandal Revenue Officer, Shamirpet requiring the latter to submit report about 260 beneficiaries (SES), letter of even number dated 1-4-2000 sent by Collector, Ranga Reddy District to Mandal Revenue Officer, Shamirpet conveying the approval for issue of house site pattas to the people belonging to weaker sections and another letter of even number dated 28-6-2001 sent by Collector, Ranga Reddy District to Secretary, Municipal Administration and Urban Development Department for change of land use in respect of Ac.64.00 of land so as to facilitate grant of patta certificates to the beneficiaries, who underwent family planning operation, and argued that the failure of the respondents to issue house site pattas should be treated sufficient for entertaining the writ petition and issue of a mandamus to the respondents.

We have considered the submission of the learned counsel, but are not inclined to entertain the writ petition because,

- (i) the petitioner has neither pleaded nor any document has been produced before the Court to show that the persons who have become entitled to get house site pattas in respect of the land comprised in Survey Nos.761 to 770 and 971 to 974 of Mallalguda Village, Shamirpet Mandal, are members of Urban Slum Dwellers Association, of which he claims be the President;
- (ii) the petitioner has neither produced the constitution of

the Association nor any document under which he has been authorised to file the writ petition on behalf of the beneficiaries of the scheme framed by the government for allotment of house sites to those who have undergone family planning operation, and

- (iii) the petitioner has not shown that on account of illiteracy, lack of financial resources or other similar disability, the beneficiaries of the scheme framed by the government are not in a position to avail the legal remedy for redressal of their grievance in the matter of non-issue of house site pattas.

For the reasons stated above, the writ petition is dismissed. However, it is made clear that this order will not preclude the beneficiaries of the scheme framed by the State Government from seeking intervention of the Court.

As a sequel to dismissal of the writ petition, W.P.M.P. No.12885 of 2007 filed by the petitioner for interim relief is also dismissed.

G.S. SINGHVI, CJ

5th June, 2007.

C.V. NAGARJUNA REDDY, J

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